



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

*271 Cadman Plaza East
Brooklyn, New York 11201*

January 31, 2014

By ECF

The Honorable Cheryl L. Pollak
The Honorable Gary Brown
The Honorable Ramon E. Reyes, Jr.
United States Magistrate Judges
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York

Re: In Re Hurricane Sandy Cases (All Related Cases)
14 MC 41 (CLP-GRB-RER)

Dear Judges Pollak, Brown and Reyes:

Pursuant to the Court's January 14, 2014 Order, this Office writes on behalf of the Federal Emergency Management Agency and various other federal agencies, entities and officers (collectively, "FEMA"), named as defendants in certain of the In Re Hurricane Sandy Cases.

As of this writing, FEMA has not been properly served in accordance with Fed. R. Civ. P. 4(i) in any of these cases, with a few exceptions. While representations have been made to the Court that some defendants have agreed to waive service, the Federal Rules and FEMA's regulations require that FEMA be properly served in each case and FEMA does not waive this service requirement in any of these cases. Because FEMA has not yet been served in any but a few of these cases, at this time, FEMA has not yet formulated a position regarding whether or how any of the cases should be grouped.

In addition, with respect to any of the private parties' efforts to create template case management orders for all of these cases, FEMA supports the Court's and the parties' efforts to conserve resources and streamline litigation. However, because of certain defenses, privileges or rights that may be exclusive to FEMA, the private parties' case management orders may not be appropriate for all cases in which FEMA is a named defendant. Accordingly, FEMA respectfully requests that individual case management orders be entered in all of its cases and reserves all rights to seek modification, alteration or amendment of the case management orders in any cases in which it is a named defendant.

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We thank the Court for its attention to these matters.

Respectfully submitted,

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